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13 Attorneys for Plaintiff JENS ERIK SORENSEN,
14 as Trustee of SORENSEN RESEARCH AND
15 DEVELOPMENT TRUST

16 UNITED STATES DISTRICT COURT
17 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

18 JENS ERIK SORENSEN, as Trustee of) Case No. 08 CV 309 BTM CAB
19 SORENSEN RESEARCH AND)
20 DEVELOPMENT TRUST,)
21)
22 Plaintiff) **REPLY TO COUNTERCLAIMS OF**
23 v.) **CENTRAL PURCHASING, LLC**
24)
25 CENTRAL PURCHASING, LLC, a)
26 California Corporation; and DOES 1 –)
27 100,)
28 Defendants.)
and related counterclaims.)
)

1 Plaintiff/Counterdefendant Jens Erik Sorensen as Trustee of Sorensen
2 Research and Development Trust ("SRDT"), hereby respectfully replies to the
3 specific numbered paragraphs identified of the Counterclaims of
4 Defendant/Counterclaimant Central Purchasing, LLC ("Defendant") as follows:

5 Nature and Basis of the Action

6 1. Admit that Defendant's counterclaim is for declaratory judgment, and
7 DENY the rest of the allegation, including denying that the '184 patent is invalid and
8 denying that the '184 patent is not infringed.

9 Jurisdiction and Venue

10 2. Admit.

11 3. Admit.

12 COUNT I

13 4. SRDT incorporates by reference the responses to paragraphs 1 through
14 3 as though fully set forth herein.

15 5. Deny, the validity of the '184 patent is presumed, and filing a lawsuit to
16 enforce the patent does not create a controversy as to its validity.

17 6. Deny.

18 COUNT II

19 7. SRDT incorporates by reference the responses to paragraphs 1 through
20 6 as though fully set forth herein.

21 8. Admit.

22 9. Deny.

23
24 **WHEREFORE**, SRDT prays that judgment on Central Purchasing, LLC be
25 entered as follows:

26 a. For judgment in favor of SRDT and Central Purchasing on all requested
27 relief;

28 b. That this case be decreed an "exceptional case" and SRDT is awarded

1 reasonable attorneys' fees by the Court pursuant to 35 U.S.C. § 285;

2 c. For costs of suit herein incurred;

3 d. For such other and further relief as the Court may deem just and proper.

4 DATED this Friday, April 18, 2008.

5 JENS ERIK SORENSEN, as Trustee of
6 SORENSEN RESEARCH AND DEVELOPMENT
7 TRUST, Plaintiff

8 /s/ J. Michael Kaler

9 J. Michael Kaler, Esq.

10 Melody A. Kramer, Esq.

11 Attorney for Plaintiff

PROOF OF SERVICE

I, J. Michael Kaler, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kaler Law Offices, 9930 Mesa Rim Road, Suite 200, San Diego, California, 92121.

On Friday, April 18, 2008, I served the following documents:

REPLY TO COUNTERCLAIMS OF CENTRAL PURCHASING, LLC

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Mark J. Rosenberg Sills Cummis & Gross P.C. One Rockefeller Plaza New York, New York 10020	Central Purchasing, LLC	Email - Pleadings Filed with the Court via ECF
Susan E. Basinger Higgs Fletcher & Mack LLP 401 West "A" Street, Suite 2600 San Diego, California 92101 basinger@higgslaw.com	Central Purchasing, LLC	Email - Pleadings Filed with the Court via ECF

- ☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.
- ☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.
- ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.
- ☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.
- ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

I declare that the foregoing is true and correct, and that this declaration was executed on Friday, April 18, 2008, in San Diego, California.

/s/ J. Michael Kaler

J. Michael Kaler